

warned us about the best laid plans of mice and men. On Friday, December 4, Secretary of Interior Bruce Babbitt came to Colorado to unveil, with much hurrah, a special "4(d)" rule under the Endangered Species Act (ESA) designed to protect the Preble's Meadow Jumping Mouse.

Under the rule, ongoing agricultural and landscaping activities can go forward, but certain activities like maintaining irrigation ditches will need federal review. Special areas, deemed Mouse Protection Areas (MPAs) and Potential Mouse Protection Areas (PMPAs), will be determined and mapped like a federal shadow over the state of Colorado.

The special rule, in theory, would allow most existing land use practices until more permanent measures, in the form of Habitat Conservation Plans (HCPs), are worked out with Washington. Secretary Babbitt has touted HCPs as collaborative efforts toward recovering endangered species. Presumably, ranchers may go on ranching, farmers may continue to feed us, and homeowners won't have to get rid of their cats. Wonderful news for everyone!

"Not so fast" say the litigious radical wing of the environmental movement. Their disdain for farmers, ranchers, cats and people will become the basis for suing whatever collaborative plans are secured by stakeholders and interested parties. A few recent legal examples foretell of what we can anticipate in Colorado.

In Massachusetts, environmentalists sued the state for merely licensing fishermen who used certain kinds of lobster traps because the traps actually worked. In Florida, one radical environmental group sued in the name of Loggerhead Turtles because they believed aggressive local actions to curb beach-front lighting were not aggressive enough. It didn't matter that the county did everything in its power to protect sea turtles. Environmentalists sued, and won, but the turtles are no better off now than they were before.

Despite Babbitt's prose about species "wriggling off the list", and a happy working partnership of ranchers, environmentalists and bureaucrats, the ESA will—as it has always done—enrich lawyers rather than protect mice.

How well the ESA has worked depends upon who you ask. On May 6, 1998 Secretary Babbitt released a statement about several success stories under the Act. Boasting his intention to delist or downlist some two dozen species, he claimed the species had recovered thanks to this over-bearing federal law. To convince us that the Act works, Babbitt said species would be "flying, splashing and leaping off the list."

However, an independent review by the National Wilderness Institute proved otherwise. Data error, not recovery under the ESA, was responsible for the change in status of at least eight of the species. The species' status never actually improved.

Threats to other species were overestimated by government biologists. Four species turned out to be imaginary—that is they were not unique or separate species as once thought by the agency. Five species, listed as "proof" the ESA works, have actually gone extinct!

Twenty-nine of my Congressional colleagues joined me in demanding a retraction of this gross misjudgment. Jamie Rappaport Clark, the Director of the Fish and Wildlife Service, responded she was "personally embarrassed by this unfortunate error" and promised to recant the statements.

There are over 1,138 species listed under the Endangered Species Act. None have conclusively recovered due to it's passage.

To reestablish the ESA as the vanguard against extinction, we must reform it by ensuring all decisions are based on sound science, and recovery efforts include land owners, state leaders and businesses. Absent these simple precepts, even Secretary Babbitt's best laid plans for the Preble's mouse are certain to go awry.

## THE STARR TRAP

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. DEUTSCH. Mr. Speaker, as we consider the gravity of the constitutional matters before the nation today, I commend my colleague's attention to an important column by Anthony Lewis which appeared in the Washington Post on December 1, 1998. I insert the full text of that column in the RECORD.

## THE STARR TRAP

(By Anthony Lewis)

Boston—At 1 P.M. on Friday, Jan. 16, Monica Lewinsky arrived at the Ritz Carlton Hotel in Pentagon City to meet Linda Tripp. What happened then is well known. But its significance—its crucial significance—is not generally understood.

Ms. Lewinsky was confronted by F.B.I. agents and Kenneth Starr's assistant prosecutors. She immediately told them, as she testified later, that "I wasn't speaking to them without my attorney."

Her attorney was Francis D. Carter. When she was subpoenaed by Paula Jones's lawyers, she told him that she had not had "sexual relations" with President Clinton; Mr. Carter prepared, and she signed, an affidavit to that effect.

Mr. Starr's agents did everything they could, short of physical force, to keep Ms. Lewinsky from calling Frank Carter. They told her that he was a civil rather than a criminal lawyer "so he really couldn't help me." (That was a lie; Mr. Carter is a highly regarded criminal lawyer who for six years headed Washington's public defender service.) They gave her the number of another lawyer and suggested she call him.

They told her she had signed a false affidavit and could go to prison for 27 years. They offered to give her immunity if she would "cooperate" but said there would be no deal if Mr. Carter were called in. (A Federal regulation forbids immunity negotiations in the absence of a suspect's lawyer.)

Why were Mr. Starr's deputies so anxious that Ms. Lewinsky not telephone Mr. Carter?

On that Friday afternoon Mr. Carter had not yet filed Ms. Lewinsky's affidavit. Until it was filed, it could be changed—without legal consequences. Federal law makes it a crime only to file a false affidavit in a civil case. You can swear one, keep it, then change it or tear it up without violating the law.

Mr. Starr knew about the affidavit from Linda Tripp's last taped conversation with Ms. Lewinsky, and knew from Paula Jones's lawyers that it might not yet have been filed. That is why his deputies worked so hard to keep Ms. Lewinsky from calling Frank Carter. If he knew what was happening, they realized, he would not file it. And they wanted a crime. They wanted perjury to be committed: by Ms. Lewinsky so they

would have leverage over her, and by the President when he was deposed in the Jones case the next day.

If Ms. Lewinsky had called that afternoon, Mr. Carter told me the affidavit "would not have been sent." But there was no call. At the end of the business day it was sent to the court in Little Rock by Federal Express. Under the rules, that was a filing.

Mr. Carter had shown the affidavit to the Jones lawyers and to Robert Bennett, President Clinton's lawyer. If he had not filed it, he said, "I would have told them." So Mr. Bennett would have known of Mr. Starr's interest in Monica Lewinsky. The President's deposition on Saturday would have taken another course or been canceled. And the history of the last 10 months would have been very different.

(Did the President or Ms. Lewinsky in fact commit perjury when they swore they had not had "sexual relations"? Perjury, a complicated legal concept, requires among other things proof of deliberate falsehood. In a conversation with Linda Tripp unrelated to any threat of prosecution, Ms. Lewinsky had said emphatically that "having sex" meant "having intercourse"—not oral sex.)

The right to a lawyer is fundamental in our constitutional system. A person accused of crime, the Supreme Court said in the Scottsboro Case in 1932, "requires the guiding hand of counsel at every step." Without it, the innocent person may be overborne by what she does not understand.

Police officers occasionally break the rules. It is another matter when prosecutors, who are officers of the court, overbear a young woman to keep her from calling her lawyer. The Starr deputies who were there on Jan. 16—Michael Emmick, Jackie Bennett Jr. and Bruce Udolf—should surely face questions by the appropriate legal authorities on their fitness to practice law. And Mr. Starr condoned what they did.

None of this excuses President Clinton's moral folly. But it makes powerfully clear that Kenneth Starr is a far more serious menace to our constitutional order than Bill Clinton is.

## PUBLIC FIGURES CAN PAY A HIGH PRICE FOR CANDOR

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to introduce for the RECORD, an article published by Kent Holsinger of my staff. "Public Figures can pay a high price for candor" appeared in the December 10, 1998 Denver Post. Mr. Holsinger's analysis of how public speaking, delivered through the media, affects public sentiment towards government is particularly relevant as we consider tomorrow whether to impeach the President of the United States. I urge my colleagues to keep the following in mind as we deliver our messages to the country.

Public cynicism towards government may stem from the difficulty politicians and public figures have giving forthright answers to difficult questions. Behind the cynicism is a complex, and dynamic saga of American politics and culture. In the midst of this saga, the media serves as a conduit between public figures and the public. As the nature of reporting has changed dramatically with the information age, so too has the nature of public speaking.

History was made by public statements of public figures. Before pollsters, media consultants and ghost writers, great orators like Daniel Webster, Henry Clay and John C. Calhoun mesmerized their audiences in the halls of Congress, thus securing their roles in the nation's history. People rushed to the Capitol, filled the galleries and watched the great debates in person. Of those, Daniel Webster's speech on the Senate floor for a united country, one liberty and one people, is among the most famous in American history. Webster proclaimed that public speech, while it may be manipulated or sculpted, "[i]t must exist in the man, the subject, and in the occasion."

But are those principles of dialogue maintained in modern times? How public speech is delivered, and reported has changed dramatically over time. Modern reporting is instantaneous and relentless. Papparazzi pursue celebrities with cameras and microphones, while news is beamed continuously to households around the world, around the clock. To cope with modern reporting, media advisors and press secretaries craft skillful, but evasive, replies for their bosses. Throughout the Monica Lewinsky scandal, President Clinton has emerged as a master of evasiveness and media "spin" on the political battlefield. Why don't public figures just speak their minds? They may be taking their lessons from what rash public statements have done to others before them.

On the real battlefield, General George S. Patton, Jr. swept the Third Army through Europe and helped secure an allied victory in World War II. Characterized by his gruff personality and hard demeanor, Patton demanded strength and discipline from his men. Inwardly, he studied philosophy and wrote poetry; but outwardly he was ruthless and offensive. He may have carried his troops more than once by determination alone. Never afraid to speak his mind, Patton once was asked by a preacher whether he ever managed to read from the Bible he kept on his nightstand. "Every—damned day," Patton replied.

At times hated and loved by his men, Patton commanded loyal troops who performed the impossible during the war. His fierce determination to pursue and conquer the enemy, coupled with his unapologetic prose was at times glorious and disastrous. He was one of the greatest tacticians and generals the United States has ever seen. General Patton led his armored units with speed and daring, his philosophy: "Catch the enemy by the nose and then kick him in the pants." This philosophy carried the Third Army across more territory and captured more prisoners than any other army in American history.

Patton, as battlefield commander, enjoyed unparalleled success. Patton, as a public figure, suffered greatly. Many times his brash, unapologetic statements, made off the record, ended up as newspaper headlines. His statements about fighting the Russians to free Eastern Europe and using ex-Nazi's during reconstruction were hotly criticized. Those controversial, but matter-of-fact statements were said quietly, or in private. But they eventually cost one of our guest generals his command of the Third Army.

It is no wonder today's public figures sometimes hesitate to speak their mind. Modern reporting, often geared towards sensationalism, creates that need for evasiveness and spin in

public speaking. This dichotomy fuels public cynicism and distrust. But sensationalism sells. So long as it does, public figures will guard their words, and the public long for heroes, like Patton, whom are unafraid to speak their minds.

#### TRIBUTE TO PROFESSOR SUSAN PFUEHLER

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 18, 1998*

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute and congratulate Susan Pfuehler on a distinguished career as a Theatre Professor at Eastern Washington University in Cheney, Washington. I have come to know Susan as the mother of one of my staff members, and have had the privilege to learn and hear about her from her son. I know that he is very proud of her.

From Susan's days as a child, growing up on a small turkey farm in rural western Illinois, she displayed a flair for the dramatic. Her reading about a "runty" pig earned her local accolades and launched her career in theatre. Susan was one of those rare individuals who knew her calling at a young age and pursued it full tilt. Once she graduated from her local college in Monmouth, Illinois, she headed across the Mississippi River to the University of Iowa for her masters degree. Although she was there a few years before me, we are proud to count her among our alumni.

After a short teaching stint at the University of Arizona, Susan and her husband found themselves in the small town of Cheney where she made her career as a professor and raised her family. Some might say Susan was among the original feminists—those strong and pioneering women who launched successful careers in the early 1950's. While Susan returned to the job a mere ten days after her son was born and her work often kept her in the theatre into the wee hours, she still possessed an amazing ability to find time for her family and include them in the activities at her workplace. As is, unfortunately, all too common today, it was not easy for women to succeed professionally. But Susan had deep resolve and drew strength from her family to have an outstanding career.

From setting up the first ever costume production facility and academic program at, then, Eastern Washington State College, to creating a dynamic costume program at the Interlochen Center for the Arts, to being named among Who's Who in Entertainment for the past two years, Susan has forged ahead heartfelt passion and steadfast determination.

I was once told that Susan's definition of successful teaching was to draw that one quiet kid in the classroom out and inspire them to do great things. I think it's safe to say that Susan has been successful time and time again. Teaching is a noble profession. But perhaps it is those teachers who are indeed humble in their contributions who are truly our national treasures. Susan certainly belongs in that category.

Over nearly 50 years of service to the job she loved—teaching our young people—Susan has inspired thousands of students in thousands of ways. From the classroom po-

dium, Susan found a comfortable forum from which both to teach and to learn. As she looks forward to her next stage, I know that she will dearly miss that platform from which to speak and to listen.

Indeed the educational community has lost a great friend, but if I know Susan, she will be active in retirement and will, hopefully, have a little fun along the way. I wish all the best to you, Susan, on your well-deserved retirement.

#### EXPRESSING UNEQUIVOCAL SUPPORT FOR MEN AND WOMEN OF OUR ARMED FORCES CURRENTLY CARRYING OUT MISSIONS IN AND AROUND PERSIAN GULF REGION

SPEECH OF

**HON. MARSHALL "MARK" SANFORD**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 17, 1998*

Mr. SANFORD. Mr. Speaker, I rise today very reluctantly to voice opposition to H. Res. 612. If this resolution is truly about honoring our servicemen and women, I would vote differently. However, it is clear to me that voting for this resolution is tantamount to endorsing the President's capriciously-timed, to use a euphemism, invocation of the War Powers Act. That is something my conscience cannot allow.

I have the most profound respect for our nation's military and it is for just this reason that I cannot support this resolution. I have come to this floor on innumerable occasions to provide for my unconditional support of those initiatives which prudently and honestly promote our armed forces. My support of H. Res. 322 in November of last year which urged military action to assure full Iraqi compliance with U.N. Security Council resolutions, for example, delineates my record on the use of military force in the Persian Gulf.

It is the right thing to do at the wrong time. The timing of Wednesday's air strikes on Iraq raised too many red flags for me. I am left with too strong a perception that our men and women of the military are being put in harm's way for political reasons. I say this for several reasons:

Red Flag #1—On several occasions over the past few years, we have walked to the brink of further military engagement with Iraq. In every instance, we have walked away from that brink. Yet on the eve of a historic vote, one that has not occurred for the last 130 years in the House, we choose to cross the line? For thirteen months, the President has watched and dithered, then, after 400 days of inaction, hours before the House vote, the President decides that this is the day to take America to war. The President declared Saddam Hussein a "clear and present danger". But, he has been a clear and present danger for 400 days. Now all of a sudden, kowtowing is out and the danger is present.

Red Flag #2—There seems to be discrepancy in the messages that we get out of the White House. Rowan Scarborough's article in The Washington Times pointed out that the White House notified the Joint Chiefs of Staff on Sunday that President Clinton would order air strikes this week. Now that's a full 48 hours before he saw the United Nations report declaring Iraq noncompliant. However, on